

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEBORAH YOUNG, Individually and
as the parent and natural guardian of

MISSY YOUNG, [REDACTED]
[REDACTED]

CV 09-3325 (JFB)

Plaintiffs,

-against-

SUFFOLK COUNTY, SUFFOLK COUNTY
DEPARTMENT OF SOCIAL SERVICES,
SUFFOLK COUNTY POLICE DEPARTMENT,
MICHAEL DELGADO, JOSEPH QUATELA,
EDMUND COPPA, INDIVIDUALLY and
EDMUND J. COPPA PHOTOGRAPHY;
RAYMOND L. YOUNG, RAYMOND M.
YOUNG, NEWS 12, NEWSDAY,
NEW YORK POST, NEW YORK DAILY NEWS
WCBSTV.COM

Defendants

-----X

**VERIFIED ANSWER OF DEFENDANTS RAYMOND L. YOUNG AND RAYMOND M.
YOUNG TO PLAINTIFF'S AMENDED VERIFIED COMPLAINT
WITH COUNTER-CLAIM**

Defendants Raymond L. Young and Raymond M. Young, by and through their
undersigned attorneys respond to Plaintiff's Complaint as follows:

1. Defendants deny the allegations in paragraph 1, of the Plaintiff's complaint, except to admit that this Court has jurisdiction over the allegations.
2. Defendants admit the allegations of paragraphs 2, 3, 5, 6, 10, 16 and 32 of the Plaintiff's complaint.
3. Defendants deny the allegations in paragraph 3, of the Plaintiff's complaint, except to admit that Plaintiff resided in said premises and refers all matters of law to the Court.
4. Defendant denies the allegations of paragraphs 7, 9, 12, 13, 14, 15, 24, 33, 34, 36, 37, 39

of the Plaintiff's complaint based upon a lack of information sufficient to form a belief as to the truth of the matters asserted.

5. Defendants deny the allegations in paragraph 8, of the complaint except to admit that Quatela represented Raymond M. Young on the date of Plaintiff's allegations.
6. Defendants deny the allegations as set forth in paragraph 17, 18, 19, 20, 21, 22, 23, 25, 26, 27, 28, 29, 35, 40, 41, 43 44, 45, 46, 47, 48, 49, 50, 51, 52 and 85 of the Plaintiff's complaint.
7. Paragraph 30 is a conclusion of law which does not allege any facts to be admitted or denied.
8. Defendants deny the allegations as set forth in paragraph 38, except admit that Raymond L. Young owned said premises.
9. Defendants repeat and reiterate their prior responses in response to paragraphs 42, 84 as if more fully set forth herein.
10. The Claims set forth in paragraphs 53- 83 have already been dismissed by the Court, as such no response is required, nevertheless, they are denied.

AS FOR THEIR FIRST AFFIRMATIVE DEFENSE

The Young Defendants were not State actors.

AS FOR THEIR SECOND AFFIRMATIVE DEFENSE

The Young Defendants are entitled to qualified immunity

AS FOR THEIR THIRD AFFIRMATIVE DEFENSE

The Young Defendants' actions were justified and privileged.

AS FOR THEIR FOURTH AFFIRMATIVE DEFENSE

Plaintiff's mental illness was pre-existing and Plaintiff has failed to plead exacerbation or aggravation of same.

AS FOR THEIR FOURTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by Res Judicata and Collateral Estoppel

AS FOR A FIFTH AFFIRMATIVE DEFENSE

Plaintiff's claims are barred by intra-family immunity.

AS FOR THE COUNTER- CLAIM OF RAYMOND L. YOUNG

Defendant Raymond L. Young, as for his counter-claims alleges as follows:

1. Raymond L. Young was at all times relevant herein, the owner of property located at 239 Nevada Street, Lindenhurst, N.Y. 11757 (hereinafter "The").
2. Between February 1, 2004 and February 21, 2007, Plaintiff occupied, controlled, managed and maintained the property and had the right to possession thereof.
3. At all times relevant herein, Plaintiff had a duty and obligation to maintain, upkeep and preserve the property in a reasonable manner, prevent waste and account to the Defendant Raymond L. Young for the condition of the property.
4. As a result of the foregoing, a bailment relationship was created, with respect to the property.
5. Plaintiff was negligent, careless and reckless with respect to her upkeep, maintenance and caused the property to become damaged, filthy and permitted hazardous conditions to exist in the property.
6. As a result of the foregoing, between February 1, 2004 and February 21, 2007, the property became damaged, in that among other things, Plaintiff allowed the waste of the property to the point that sewage pipes became broken, that the heating and hot water systems became non functional, that the interior of the house was littered with feces and urine, that there were dead and distressed animals in the house, that there was soiled

tissue paper piled six feet high, there were approximately 1,000 bottles of urine on the property, in that the property contained waste, in that Plaintiff caused and negligently permitted the property to exist in an unsanitary, unsafe and uninhabitable manner

7. By and through the foregoing, Defendant Raymond L. Young was caused to incur pecuniary loss, in that he had to pay professionals to clean and repair the damages caused by the Plaintiff, in that the damage caused by the Plaintiff resulted in a reduced market value of the property in that Defendant suffered a pecuniary loss in the sale of the property.
8. As a direct result of the negligence of the Plaintiff and her failure to preserve and maintain the property, Raymond L. Young was caused to suffer the aforesaid pecuniary losses.

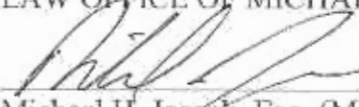
WHEREFORE, Defendants Raymond L. Young and Raymond M. Young pray for an order dismissing the Plaintiff's complaint with costs, and a Judgment against the Plaintiff in an amount to be determined by the trier of fact.

Yours etc.,

Dated: White Plains, New York
April 23, 2010

LAW OFFICE OF MICHAEL H. JOSEPH, P.L.L.C.

BY:


Michael H. Joseph, Esq. (MJ8838)
184 Martine Avenue
White Plains, New York 10601
Tel: (914) 574 8330
Fax: (914) 761-8076

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEBORAH YOUNG, Individually and
as the parent and natural guardian of

CV 09-3325 (JFB)

Plaintiffs,

-against-

SUFFOLK COUNTY, SUFFOLK COUNTY
DEPARTMENT OF SOCIAL SERVICES,
SUFFOLK COUNTY POLICE DEPARTMENT,
MICHAEL DELGADO, JOSEPH QUATELA,
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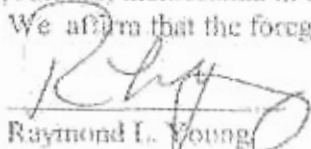
Defendants
-----X

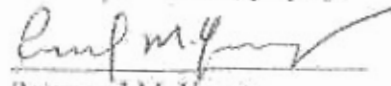
DECLARATION OF VERIFICATION

We, Raymond L. Young and Raymond M. Young, the undersigned, are the Defendants in the within action; We have read the foregoing VERIFIED Answer and Counter Claim and know the contents thereof; the same are true to our own knowledge, except as to the matters therein stated to be alleged on information and belief, and as to those matter we believe them to be true.

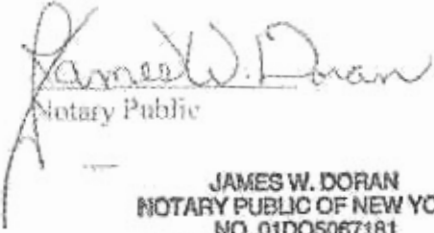
The grounds of my belief as to all matters not stated upon my own knowledge are the reports, records, memoranda in my file together with my own investigation.

We affirm that the foregoing statements are true, under the penalties of perjury.


Raymond L. Young


Raymond M. Young

Sworn to before me on this
23rd day of April, 2010


Notary Public

JAMES W. DORAN
NOTARY PUBLIC OF NEW YORK
NO. 01DO5067181
QUALIFIED IN SUFFOLK COUNTY
COMMISSION EXPIRES OCT. 15, 2010

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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DEBORAH YOUNG, Individually and
as the parent and natural guardian of

MELISSA YOUNG, EMMALEE YOUNG,
CECELIA YOUNG

CV 09-3325 (JFB)

Plaintiffs,

-against-

SUFFOLK COUNTY, SUFFOLK COUNTY
DEPARTMENT OF SOCIAL SERVICES,
SUFFOLK COUNTY POLICE DEPARTMENT,
MICHAEL DELGADO, JOSEPH QUATELA,
EDMUND COPPA, INDIVIDUALLY and
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RAYMOND L. YOUNG, RAYMOND M.
YOUNG, NEWS 12, NEWSDAY,
NEW YORK POST, NEW YORK DAILY NEWS
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Defendants
-----X

DECLARATION OF SERVICE

Pursuant to 28 USC §1746, I hereby declare, under penalty of perjury under the laws of
the United States of that the following is true and correct.

Deponent is not a party to the action, is over 18 years of age and resides at 184 Martine
Ave., White Plains, NY 10601. That on the 23rd day of April, 2010 deponent served the within:

Verified answer of Defendants Raymond L. Young and Raymond M. Young to Plaintiff's

Amended Verified Complaint with Counter-Claim upon;

Law Offices of Thomas F. Liotti
600 Old Country Road
Suite 530
Garden City, NY 11530

L'Abbate, Balkan, Colavita & Contin
1050 Franklin Avenue
Garden City, NY 11530

Arlene S. Zwilling
Suffolk County Attorney
P.O. Box 6100
H. Lee Dennison Building-Fifth Floor
100 Veterans Memorial Highway
Hauppauge, NY 11788-0099

at the last known address designated by them for that purpose by depositing a true copy of same enclosed by federal express overnight service in a postpaid properly addressed wrapper.

A handwritten signature in black ink, appearing to read 'Frine Fermin', written over a horizontal line.

Frine Fermin